



## **CHAPTER 7 - RESPONSE TO COMMENTS RECEIVED**

### **What is a Comprehensive Conservation Plan?**

A CCP is a planning document that provides long-range guidance and management direction for the Refuge to accomplish its purpose, contribute to the mission of the National Wildlife Refuge System and the Service, and to meet other relevant mandates.

In 1997 the U.S. Congress passed the National Wildlife Refuge System Improvement Act (Act) to provide guidance for the management and public use of our country's national wildlife refuge. One of the provisions of the Act states that all refuges will be managed in accordance with an approved CCP. The Act further states that CCP's will be consistent with principles of sound fish and wildlife management, available science, legal mandates, and conservation plans of the state in which the refuge is located.

### **The Necedah CCP identifies the Yellow River as a "Focus Area". What are "Focus Areas?"**

The Yellow River Focus Area is a term the Refuge uses to describe a 21,953-acre area that encompasses a portion of the lower Yellow River that runs parallel to the Refuge to its east. It is an area that the Refuge would like to work with landowners to restore and protect some of the wildlife and habitat associated with the area, such as neotropical song birds that rely on the bottomland forests.

### **Why is the Refuge interested in the Yellow River?**

The Yellow River Focus Area represents one of the few remaining high-quality bottomland hardwood forest ecosystems in the Nation. While rich in wildlife values, the Yellow River area is experiencing human-induced degradation, primarily due to rural development and lack of habitat management. In recent years, the population of the area surrounding the Refuge has expanded. According to the U.S. Census, the Town of Necedah and the Town of Finley grew by 34 percent and 27 percent respectively between 1999 and 2000. As a result, many areas around the Refuge are being lost due to housing development and supporting infrastructure. It is this type of development that particularly threatens the remaining oak savanna habitat in this region. Without proper management, many remaining areas will degrade due to their reduced size, isolation, absence of natural processes such as fire and hydrologic cycle maintenance, and inadequate buffers protecting them from surrounding urban land uses.

### **What is the Service's policy toward land acquisition?**

The Service acquires lands and interests in lands consistent with legislation or other Congressional guidelines and Executive Orders, for the conservation of fish and wildlife and to provide wildlife-oriented public use for educational and recreational purposes. The Service policy is to acquire land only when other protective means, such as zoning or regulation, are not appropriate, available, or effective. When the Service acquires land, it acquires fee title (control of all property rights) only if control of lesser property interests (such as conservation easements, leases, or cooperative agreements) will not achieve objectives. The Service land acquisition policy is to purchase land from willing sellers only. Written offers to willing sellers are based on professional appraisals using recent sales of comparable properties in the area. Additional information on Service land acquisition can be found on the Internet at:

<http://www.fws.gov/r9realty/>



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### **What criteria does the Service use when selecting lands for refuge status?**

It varies on the situation and the resources we are trying to protect. Apart from biological criteria, the presence of willing sellers is the most basic criterion in selecting land. Other criteria will include:

1. Large tracts of 1,000 acres or more; smaller tracts would be considered given the presence of outstanding biological characteristics.
2. Tracts that require minimal management and development cost and low annual operation and maintenance costs.
3. Tracts enrolled in the Conservation Reserve Program, Conservation Reserve Enhancement Program, or Wetland Reserve Program.

### **Where does funding for land acquisition for wildlife refuges come from?**

Typically, money to acquire land for national wildlife refuges comes from the Land and Water Conservation Fund and/or the Migratory Bird Conservation Fund, both of which were established through federal law. The Land and Water Conservation Fund derives its money primarily from the sale of products on federal land, such as offshore oil and gas leases. Funds for the Migratory Bird Conservation Fund are derived from the sale of federal duck stamps.

### **If I own land in the Yellow River Focus Area, would I ever be forced to sell?**

No. Focus areas are not refuge boundaries. Focus areas are planning units. All habitat restoration and preservation work performed in the Yellow River Focus Area by the Refuge would be on a voluntary basis. No one will ever be forced to sell their land .

### **How did the Service involve the public when developing the draft CCP and environmental assessment (EA) for this project?**

Public participation is a vital part of refuge planning and the Service has worked hard to ensure inclusive public participation in this proposal.

Numerous federal, state, local, and private entities were involved in the CCP/EA development process. These include Wisconsin's Congressional Delegations, the U.S. Department of Agriculture, U.S. Department of Interior, Legislative members representing the counties involved, Wisconsin Department of Natural Resources, representatives from county, township, and other local governments, representatives of national, state, and local conservation organizations, landowners, and many other interested groups and citizens.

Information about the project was provided to stakeholders and the general public through news releases, presentations, interviews, informational letters, public meetings, briefings, and the Internet. Questionnaires, focus groups, and one-on-one discussions were used to gather input. More than 6,000 people were sent newsletters/project updates.

The Service hosted numerous public scoping meetings at the Refuge to exchange information on the refuge proposal. Informational meetings continued over the next three years at the request of the general public, government agencies, conservation organizations, and Congressional staff.



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### **If I own land in or around an area that the Service says has high resource value, will my property ever be condemned?**

No. While the Service has this authority, it doesn't use it except to clear title or preserve critically imperiled endangered species (which are rare). The latter is not the case in with this project. Our record has shown that in almost 99 per cent of all transactions we have not used condemnation. In fact, we were directed by Congress to use it in one of the few cases on record. Service policy is to acquire land only from willing sellers. Landowners within the Yellow River Area retain all of their rights, privileges, and responsibilities of private land ownership regardless whether it is a Service focus area or not. The presence of Refuge lands in the Yellow River Focus Area Basin would not afford the Service any authority to impose restrictions on any private lands. Service control of access, land use practices, water management practices, hunting, fishing, and general use is limited only to those lands in which the Service purchases an appropriate realty interest.

### **Will my rights as a property owner be infringed as a result of refuge designation?**

No. If lands are developed into a national wildlife refuge area, the Service will have no more authority over private land within or adjacent to the boundaries of the refuge than any other landowner. Landowners would retain all the rights, privileges, and responsibilities of private land ownership, including the right of access, control of trespass, and right to sell or not to sell.

### **If I sell my land to the Service, are there any relocation benefits?**

Yes. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act) provides for certain relocation benefits to home owners, businesses, and farm operators who choose to sell and relocate as a result of federal acquisition. The law provides for benefits to eligible owners and tenants in the following areas: 1) reimbursement of reasonable moving and related expenses; 2) replacement housing payments under certain conditions; 3) relocation assistance services to help locate replacement housing, farm, or business properties; and, 4) reimbursement of certain expenses incurred in selling real property to the government.

### **Are there ways the Service can acquire an interest in land without buying it outright?**

Yes. One way is by purchasing an easement from the landowner. A conservation easement involves the acquisition of certain rights that can help achieve fish and wildlife habitat objectives (for instance, encouraging certain practices such as delaying haying fields until ground nesting birds have left the nest). Easements become part of the title to the property and are usually permanent. If a landowner sells the property, the easement continues as part of the title.

Lease agreements are another tool. Leases are short-term agreements for full or specified use of the land in return for an annual rental payment that generally includes occupancy rights. For example, the Service could lease 40 acres of grassland habitat to provide safe nesting for ground nesting birds. Under this scenario, the landowner would agree not to hay or otherwise disturb the ground during the lease period.

Cooperative agreements are negotiated between the Service and other government agencies, conservation groups, or individuals. An agreement usually specifies a particular management action or activity the landowner will do, or not do, with his or her property. For example, a simple agreement would be for the landowner to agree to delay hayland mowing until after a certain date



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to allow ground nesting birds to hatch their young. More comprehensive agreements are possible for such things as wetland or upland restoration, or public access. Agreements are strictly voluntary on the part of the landowner and are not legally binding. As long as a landowner abides by the terms of the agreement, this protection can be effective in meeting certain refuge objectives. Unfortunately, because these agreements are voluntary and can be modified by either party, there is no complete assurance the terms will continue to be met.

### **Will drainage be changed in a way that affects my property?**

The Service's intent is to have no impact on drainage from neighboring lands and to follow state laws regarding drainage activities. Service staff work with adjacent landowners and drainage districts to ensure that existing drainage facilities or patterns are not negatively impacted by refuge activity. If this project is approved, detailed hydrologic planning will be undertaken for all water-related activities on Service lands to ensure that Service activities do not alter drainage in any way that would cause flooding or drainage problems to private lands. The Service would not cause any artificial increase of the natural level, width, or flow of waters without ensuring that the impact would be limited to lands in which the Service has acquired an appropriate realty interest from a willing seller (e.g., fee title ownership, flowage easement, cooperative agreement). The Service would comply with all Federal and state regulations regarding development, some of which are specifically intended to ensure that the actions of one landowner do not adversely affect another. If Service activities inadvertently created a water-related problem for any private landowner (flooding, soil saturation or deleterious increase in water table height, etc.), the problem would be corrected at the Service's expense.

Through the Service's Partner's for Wildlife program, the Service has restored over 10,000 wetlands in the Great Lakes - Big Rivers Region, which includes Wisconsin. The expertise gained through this experience and by coordinating with partners like the North American Waterfowl Management Plan, the States Departments of Natural Resources, the Natural Resource Conservation Service, The Nature Conservancy, and others, will help us achieve the wetland goals of this Refuge and not adversely effect others.

### **Is there a potential for land devaluation as a result of having land located in a Service "Focus Area?"**

Data from other Service projects reveals that during the course of acquiring land for developing refuges, the value of land within project boundaries, as well as lands adjacent to refuge boundaries, tends to increase over time. This is due in part to the increased demand created by other, outdoor-oriented buyers interested in owning lands adjacent to a national wildlife refuge because of their enhanced recreational value. Likewise, it seems logical that the presence of a guaranteed willing buyer (the Service) would reassure lending institutions considering a secured loan using land inside a project area as collateral.

### **If the Service acquires land in an active drainage district with an easement for maintenance of drainage, does that district retain the right of access for maintenance of drainage ditches, tile and outlets?**

Yes. Like any landowner, the Service is subject to any outstanding rights (easements) on any of the land it acquires.



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**Has the Service ever challenged the authority of a drainage district to maintain or improve the drainage of agricultural lands adjoining a Refuge? If so, how was the issue resolved?**

We are not aware of the Service ever challenging the authority of a drainage district to maintain or improve drainage of privately owned lands adjacent to units of the National Wildlife Refuge System.

**Who has ultimate authority over the granting of Section 404 permits for drainage activities that may affect Service lands in a drainage district, the U.S. Fish and Wildlife Service or the Corps of Engineers?**

The U.S. Army Corps of Engineers.

**Who is responsible for controlling noxious weeds on refuge property?**

The Service is responsible. The Service's policy is to control plants listed as noxious weeds by States. This control uses nonchemical methods when possible and chemical treatments when necessary to prevent noxious weeds from spreading to adjacent private land.

**If private lands served by public roads become landlocked (surrounded by property acquired by the Service), are local governments under any obligation to continue maintenance?**

Yes. However, if private lands are served by public roads, they are not considered "landlocked."

**If the Service acquires land on both sides of a public road, will the Service close that road?**

No. The Service has no authority to close roads or interfere with traffic or maintenance without township and county concurrence. Most of our refuges are overlaid by roads/highway easements without consequence. In fact, a refuge in New York is bisected by the New York State Thruway.

**What is the Service's policy regarding crop damage resulting from increases in the wildlife population? Does the Service intend to make wildlife food plots part of its management plan?**

The Service policy is to use tools such as hunting, lure crops, and habitat manipulation to assure that wildlife, particularly local Canada geese, do not cause depredation problems on neighboring farmland. While the development of wildlife food plots is not a primary objective of this Refuge, it does remain an option, depending on the site, type of wildlife, and type of food plot. Service policy is to use the most natural means available to meet wildlife objectives. If a localized depredation problem were to arise, the Service, working in concert with the USDA Animal Damage Control Division, would be available to assist in developing a damage abatement program specific to the problem.

**Some people contend that the Service is destroying farmland when land is taken out of agricultural production and restored as wetlands, grasslands or other habitat; how do you respond?**

Restoring wetlands, grasslands, and other natural habitats protects our Nation's long-term ability to produce food and fiber crops. Soil will rebuild itself when indigenous vegetative cover is

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restored. On the other hand, development can degrade soil and extensive commercial or dense residential development makes it very unlikely that the land will ever be restored to agricultural purposes in the future. If the Nation's lawmakers someday decide these areas are needed for agricultural production, it will be there.

**Would the Service be required to act in accordance with the Federal Farmland Protection Policy Act as it develops this Refuge?**

Yes. In compliance with this Act, the Service would implement the project in a manner that minimizes the extent to which the proposed refuge would contribute to the conversion of farmland to nonagricultural uses. Refuge programs would also be administered in a manner that, to the extent practical, would be compatible with state and local government, and private programs and policies to protect farmland. In addition, Form AD-1006, Farmland Conversion Impact Rating, would be completed for this project. This rating system evaluates the degree to which federal projects impact farmland, and results in a score of 0 to 260. If a proposed action results in a score of 160 or less, USDA regulations require only a minimal level of consideration for protection to be provided to the site, and no additional sites need be evaluated.

**Are newly acquired lands which become a federal refuge automatically closed to hunting, fishing and other recreational issues?**

Not necessarily. The alternatives considered in refuge planning are mandated by Congress (Public Law 105-57, Oct. 9, 1997) to allow compatible wildlife-dependent recreational public uses such as hunting, fishing, wildlife observation and photography, environmental education and interpretation. Goals and objectives are identified for the refuge (with public input), and the specific public uses are determined based on their consistency with the objectives established for the refuge. A refuge that serves as production areas for a federally endangered species is likely to offer less access for people during periods when the endangered species is present than at other times of the year. In Region 3, 88 percent of the refuges offer public recreational opportunities. Those that are closed include small islands or caves where endangered species or colonial nesting birds are present.

**Several hunters felt that deer numbers were lower than they had been in the past. Naturally, many hunters expressed a desire for more deer, although the same hunters sometimes wanted both more deer and bigger bucks.**

The Refuge is currently part of Deer Management Unit 56. While the Refuge manages open landscapes and forested areas for a variety of wildlife species, including white-tailed deer, it cannot reliably manipulate deer numbers unless it is managed as a separate management unit.

**Why doesn't the Refuge have food plots for wildlife?**

In the Refuge's 60-year history of wildlife management, natural foods such as smartweed, bidens, and native trees and shrubs, provide the best food for wildlife. In addition, the Refuge needs to consider the impacts of creating monocultural food crops (e.g., corn) for game species on other species of management concern, such as ground nesting birds. The Refuge will continue water level management and mowing to provide food for wildlife, but will not plant food plots.



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**Several stakeholders wanted the Refuge to manage ecosystems and ecosystem processes such as fire to preserve a wide suite of species, rather than focusing on single-species management. Stakeholders saw species protection as the primary goal for managing ecosystems, however, they understood the efficiency of an “umbrella” approach that benefits many species with a single management strategy.**

The “Ecosystem Approach” is a new standard for the National Wildlife Refuge System. While we have mimicked ecosystem processes by using management tools such as fire and timber harvest for many years, we are now using them in more informed and focused ways. We will continue to refine this approach over the next 15 years by incorporating results from research and monitoring into Refuge management decisions.

**Many stakeholders felt the Refuge needed to be more active in promoting its programs and presence. More outreach, educational programs and better signs directing people to the Refuge were some suggestions.**

The Refuge’s outreach programs are more active and far-reaching than they have ever been. In 1999, the Refuge hosted over 30 educational programs and activities and contributed staff or educational materials for at least 10 major off-Refuge events such as county fairs and the Experimental Aircraft Association’s Fly-In. The CCP lists several objectives under Public Recreation and Education that address the need for clearer, up-to-date signs.

**Many stakeholders expressed a desire for more fishing opportunities; more full-pool management; and stocking programs to enhance success rates.**

The Refuge currently hosts an annual celebration of National Fishing Day, which usually includes fishing workshops, a fishing contest, and a demonstration of fishing techniques. The Refuge plans to enhance fishing opportunities at Harvey’s Pond that will include a accessible fishing pier and a trail around the pond with benches for relaxation. As part of this CCP, the Refuge plans to work closely with state and Service fishery biologists to enhance fish stocks for recreational fishing and food for wildlife.

**Several stakeholders expressed concern about savanna restoration efforts at the Refuge, namely, how that program might impact the quality of their goose hunting.**

This issue was relative to the Refuge’s intent to restore savanna habitat near Suk Cerney Pool. Several meetings occurred with these stakeholders and the issue was resolved when the Refuge agreed to delay savanna restoration efforts in this area for at least 10 years.

### **How can I find out more about the National Wildlife Refuge System?**

You can request information by writing to us at:

U.S. Fish and Wildlife Service  
National Wildlife Refuge System  
Branch of Ascertainment and Planning  
1 Federal Drive  
Ft. Snelling, MN 55111.

You can also call us at 1- 800-247-1247. If you have access to the Internet, you can read about us at: <http://bluegoose.arw.rq.fws.gov> or at: <http://www.fws.gov>